

## REMARKS

Claims 1-24 are allowed. No new matter or claims have been added.

### **Response to Reasons for Allowance**

Applicants acknowledge Examiner's Statement of Reasons for Allowance of the above-referenced patent application and agree that the claimed subject matter is patentable. However, the reasons for allowing claim 16 indicate that the nearest prior art fails to teach "comparing the characteristics and the estimated time offset of the audio sampled from the stations and taken at approximately the *same* time..." (Notice of Allowance dated 7-23-10 at page 3, emphasis added). The term "same" is not in the claim and Applicants wish to clarify that the Notice of Allowance should be based on the language that is claimed and not on a paraphrased reading of the claim. In particular, the term "same" should not be read into claim 16 as claim 16 does not include the term "same." Should Examiner disagree with Applicant, Applicant requests Examiner to withdraw allowance and issue a formal rejection.

### **Notification of Cited Art in a Related Application**

During our post allowance review, we discovered art in corresponding application, International Application No. PCT/US05/05254, that was not reported. In order to fulfill our obligation of disclosure under § 1.56 and *McKesson Information Solutions, Inc. v. Bridge Medical, Inc.* 478 F.3d 897 (Fed. Cir. 2007), we must present this art to the Examiner.

However, Examiner Sobutka has already reviewed the references listed below in connection with the corresponding PCT application, as set forth in the International Search Report prepared by Examiner Sobutka. In particular, in the International Search Report, Examiner Sobutka considered several references that may be relevant to the above-referenced application as the above-referenced application is the national stage entry of International Application No. PCT/US05/05254; the references are shown below in Table A. Applicants are requesting that Examiner Sobutka note, in Table A below, the consideration of these references as it also relates to the present application.

DOCKET NO.: LMRK-0036/P008  
Application No.: 10/589,543  
Notice of Allowance Dated: 7/23/2010

PATENT

Table A

| International Search Report |  |                 |                    |                 |       |          |
|-----------------------------|--|-----------------|--------------------|-----------------|-------|----------|
| Examiner Initial            |  | Application No. | Search Report Date |                 |       |          |
|                             |  | PCT/US05/05254  | Mar. 23, 2006      |                 |       |          |
| U. S. PATENT DOCUMENTS      |  |                 |                    |                 |       |          |
| Examiner Initial            |  | Document No.    | Date               | Name            | Class | Subclass |
|                             |  | 5,339,430       | 08-1994            | Ludin et al.    | 719   | 332      |
|                             |  | 5,768,382       | 06-1998            | Schneier et al. | 380   | 251      |
|                             |  | 5,970,143       | 10-1999            | Schneier et al. | 713   | 181      |
|                             |  | 6,484,315       | 11-2002            | Ziese, Kevin J. | 717   | 173      |
|                             |  |                 |                    |                 |       |          |
| Examiner Signature          |  |                 |                    | Date Considered |       |          |
|                             |  |                 |                    |                 |       |          |

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/Michael I. Ghobrial/  
Michael I. Ghobrial  
Registration No. 65,915

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439